

manner that is being discussed by the White House and congressional Democrats would be a violation of the law, and it would betray the trust of the American people.

It seems the Democrats' policy on spending is, If we got it, spend it—no matter where it comes from.

WALL STREET REFORM AND CONSUMER PROTECTIONS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today in strong support of the Wall Street Reform and Consumer Protection Act. This historic legislation will strengthen our financial regulatory system and better protect consumers from abuse by the lending and credit industries. Most importantly, this historic legislation ends "too big to fail" and government bailouts.

Never again will taxpayer dollars be used to bail out Wall Street and their overpaid executives. Large financial institutions like AIG or Lehman Brothers at risk of collapse will be dissolved in an orderly and controlled process, and this process will be paid for by the shareholders, by creditors, and the assets of failed companies—not by the taxpayers.

For years, Wall Street has reaped the spoils of success with no penalties for failure. This bill will end this injustice and force Wall Street to accept responsibility for its failings.

I urge my colleagues to support this bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOP- MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. LATHAM. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Latham moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3288 be instructed as follows:

(1) To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes matter not committed to the conference committee by either House;

(b) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

(2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I yield myself such time as I may consume.

Madam Speaker, this is a very basic motion to instruct on what could be a very complicated bill. This motion simply instructs the conferees to restrain from adding any extraneous materials—like other appropriation bills and any other issues outside the provisions included in either the House- or Senate-passed Transportation HUD bill, or THUD bill. This motion also provides any conference report will be available for no less than 72 hours before the conference report will be brought up for final passage in the House.

Madam Speaker, the THUD bill, like every appropriations bill this year, was slammed through the House in July under an unprecedented closed and restrictive rule, all in the name of completing these bills in "regular order."

The Senate, even with all of its scheduling issues, managed to pass a regular THUD bill in an open process with amendments—and I might add by September 17.

This THUD bill should have been considered and passed by early October at the latest. Instead, here we are now in December.

According to the plan as presented to me, Chairman OBEY is planning on lumping five other bills with the THUD bill to create an omnibus. Three of those bills—Financial Services, Foreign Operations, and the Labor H bills—weren't even considered on the Senate floor. Two of the other bills—the Military Construction-VA and the Commerce, Justice, Science bills—have passed both the House and the Senate, and there is no reason these bills shouldn't have their own free-standing conferences. In fact, the Commerce, Justice, Science bill was supposed to go to conference on November 17, but that conference got yanked due to some cold feet on the part of the majority at the prospect of having their Members have to vote on Guantanamo Bay policy.

By voting for this motion to instruct, you are voting for regular order process on these bills. We should be able to

vote on veterans issues separate from the D.C. issues, the foreign aid issues, and all of the other issues we don't want stacked together. There are other things like railroad issues, immigration issues. They should all be done separately.

Further, this motion to instruct provides that the House will make available the full text of the conference report to the conferees at least 72 hours prior to consideration. There are billions of dollars at stake and a lot of policy to digest. It's our responsibility that we, as elected Representatives representing our districts, know what we're voting on. Further, I believe this motion is not inconsistent with Speaker PELOSI's policy.

I urge a "yes" vote on the simple motion to instruct.

I reserve the balance of my time.

Mr. OLVER. Madam Speaker, the motion that we have before us is essentially the same motion that we had earlier back in September, September 23, when the Legislative branch appropriations bill was brought to the floor and we were considering doing a continuing resolution for a period of time, which ended up leading to a second continuing resolution at the point that the first one had run out.

The only difference from that motion is that this one now calls for 72 hours rather than 48 hours, thereby making the time constraint a more difficult one given the circumstances that we are in and given the time at which we are supposed to have another continuing resolution run out.

□ 1030

So that's a very small point, because at 48 hours, it would be easier to deal with. Madam Speaker, in a perfect world, we would have 72 hours to further review this bill. However, we cannot guarantee that for the reason that the current CR expires on the 18th and the bills that have been mentioned by the gentleman from Iowa fund critical programs.

The Departments that are funded in these bills cannot wait much longer for the funds, and we want to get the bills enacted for the entire year. It's already December 8. And we need to get these bills done. Plus, we all know that we need to have plenty of time for our colleagues on the Senate side to act.

Now, Madam Speaker, I would just like to point out that in recent years, in 2005—and all of these, of course, were while the present minority was in the majority, and so they were in control of the procedures that were being followed—in 2005, the omnibus at that time included Agriculture, Commerce, Energy-Water, Foreign Operations, Interior, Labor-HHS-Education, the Leg Branch, Transportation, Treasury, VA-HUD and Foreign Operations and that year happened to be the vehicle being used to bring that process to a conclusion.

So the number of bills that were involved in that process were nine plus